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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

41<sup>st</sup> meeting  
Strasbourg, 29 November – 3 December 2021

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**New complaint: 2020/9**

**Possible negative impact of hydro-power plant  
development on the Neretva river (Bosnia &  
Herzegovina)**

**- COMPLAINT FORM -**

*Document prepared by  
Centre for Environment et al.*

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**Convention on the Conservation of  
European Wildlife  
and Natural Habitats**



**COMPLAINT FORM**

***NB: Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.***

Please, fill in this form and send it to the attention of:

**Bern Convention Secretariat**

Directorate of Democratic Participation  
Council of Europe  
F-67075 Strasbourg Cedex

E-mail: [Bern.convention@coe.int](mailto:Bern.convention@coe.int)

First name: Nataša

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On behalf of (if applicable): NGOs: Centre for Environment, Aarhus Centre in Bosnia and Herzegovina, EuroNatur, RiverWatch, CEE Bankwatch Network and ClientEarth.

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Web site: <https://czzs.org/?lang=en>

Date: 22/10/2020

Electronic Signature



**1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).**

Bosnia and Herzegovina has violated Article 3 and Article 4, point 1, 2 and 3 of the Bern Convention, and Recommendation No. 157 (2011) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, by permitting development of the 35MW Ulog hydropower plant and the HES “Gornja Neretva” hydroelectric system that consists of 7 small hydropower plants with a total installed capacity of 15.01 MW, on the upper Neretva (Gornja Neretva) and its tributaries and thus, allowing significant adverse impact on protected habitats and species specified in Appendices I, II and III and Resolution No. 4 (1996) and Resolution No. 6 (1998) of the Standing Committee and candidate Emerald site. The Ulog hydropower plant project is situated near the centre of the candidate Emerald Site “Gornji tok Neretve” no. BA0000002 and the HES “Gornja Neretva” hydroelectric system project is located inside the site.

Bosnian authorities issued: 1) environmental permit for the Ulog hydropower project; 2) environmental permit for construction of a 35kV power line for the Ulog hydropower project; 3) decision on approval of an environmental impact assessment study for the construction of a 2x110 kV connection power line for the Ulog hydropower project; 4) decision that no EIA would be needed for “Gornja Neretva” Phase 1; 5) decision on an EIA approval and an environmental permit for the Gornja Neretva” Phase 2. While issuing the above decisions the authorities, *inter alia*: 1) did not take into account that the information provided by the developers is outdated and does not show the real ecological risks and adverse impacts from the proposed projects; 2) failed to assess the overall environmental impact of the project as a whole and cumulative impact of proposed hydropower plants with accompanying power lines; 3) failed to define effective and possible measures, by which the impact on river and species and habitats could be mitigated; 4) did not prove that there were no reasonable alternatives for the proposed projects; 5) failed to obtain adequate information on the projects and to carry out an analysis on the basis of all the information gathered. Thus, the authorities failed to assess the impact of the projects on the candidate Emerald site and did not take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites until its full inclusion in the Emerald Network.

**‘A detailed description of the Upper Neretva hydropower projects is provided in Annex II, attached to this complaint.**

**2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)**

Although there are some gaps in knowledge about hydrology, geomorphology, ecology and biodiversity of the area, limited available data indicate that the Upper Neretva area constitutes a major biodiversity hotspot for the country (see Annexes I and III attached to this complaint). According to the data available and Emerald – Standard data form for the BA0000002 site: 57 Appendix II species, 32 Appendix III species, 3 Appendix I species, and additional 13 Resolution No. 6 species, 6 Resolution No. 4 habitat types, and 35 endemic and relict species of flora live in the area of Upper Neretva.

**A detailed overview of all species is provided in Annexes I and III, attached to this complaint.**

**3. What might be the negative effects for the specie/s or habitat/s involved?**

The impact of hydropower plants, irrespective of their size, is very often not limited to the local level, and because of their cumulative nature, they can be felt over larger parts of or even the entirety of a river basin. Extensive research has shown that small hydropower plants generate large cumulative direct and indirect effects, which considerably impacts the continuity of hydrological and hydro-biological conditions in the watercourse, and have a devastating impact on protected species and habitats. Moreover, the research has shown that the fragmentation caused by small hydropower plants is a serious threat to ecosystems and can cause catastrophic consequences for biodiversity, since fish species cannot survive or their survival is

limited in a fragmented river. Furthermore, the power lines may impact other species in the area apart from fish, that are dependent on the river, forest and the entire area of the upper Neretva, such as birds and mammals.

The Republika Srpska Institute for the Protection of Cultural-Historical and Natural Heritage expressed its objection to the planned Upper Neretva project and stressed that rare, endemic and relict flora and fauna species will be affected by the construction of the plants. In the Institute's opinion, the construction of small hydropower plants in this location would have an adverse impact on the setting of protected areas, which is of country/entity importance. The Institute stressed the lack of cumulative impact assessment and noted the lack of assessment of the impact on rheobionts, which will be affected by the changes in the water regime, and thus lack of prescribed mitigation measures for these species that are an important link in the food chains and give the basis for functionality of the entire ecosystem.

The construction of the planned projects would change the upper Neretva from a river into a series of reservoirs and pipelines. The baseline biodiversity data provided in the EIAs does not fully depict the actual importance of the area and its biodiversity value. Only a limited number of species are mentioned in the EIAs. It is not clear what is the real number of endemic flora species in the area of the location of the plants, whilst the insufficient information on fauna was even acknowledged in the study. The EIAs explicitly state that the habitat type code 3220 (Alpine rivers and the herbaceous vegetation along their banks - C3.55 Sparsely vegetated river gravel banks) is found in the upper Neretva, and that for their protection, any regulation of water regime is forbidden and that construction of small or bigger reservoirs and any other regulation of the waterbed are the biggest threat to their disappearance.

Given the lack of precise and updated baseline data, the complainants are concerned that the studies could not predict with any degree of certainty the project's impacts on the environment including the impact on species, habitats and the *Gornji tok Neretve* candidate Emerald site.

**4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?**

The following species fall under Appendix 2 of the CMS Convention: *Lanius excubitor*; *Ardea purpurea*; *Ixobrychus minutus*; *Streptopelia turtur*; *Coturnix coturnix*; *Ciconia ciconia*.

The area has been identified as the candidate Emerald Site "Gornji tok Neretve" no. BA0000002.

**5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?**

In May 2020, the Centre for Environment submitted a lawsuit to the Banja Luka District Court challenging the Gornja Neretva Phase 1 screening decision. This procedure is ongoing.

In August 2020, Center for Environment (Friends of the Earth Bosnia & Herzegovina), Aarhus Centre in Bosnia and Herzegovina, RiverWatch, EuroNatur, CEE Bankwatch Network and ClientEarth submitted a complaint to the Energy Community Secretariat, concerning compliance by Bosnia and Herzegovina with Energy Community law and in particular environmental impact assessment of the proposed projects. The Secretariat acknowledged the receipt of the complaint.

**6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)**

The EIA report for Ulog hydropower plant is available at: <https://drive.google.com/file/d/1JJSp1-1cI26TmSzHLVhG02ITZkMT7r3w/view>. The EIA report for HES "Gornja Neretva" Phase 1 is available at: <https://drive.google.com/file/d/1UtqBQHqh6Pwg4jurHc3takf0ni8o4nM/view>. The EIA report for HES "Gornja Neretva" Phase 2 is available at: [https://drive.google.com/file/d/16PVnupdTQ2XKm3fXQa\\_MwstYGHsWIGez/view](https://drive.google.com/file/d/16PVnupdTQ2XKm3fXQa_MwstYGHsWIGez/view)

The Upper Neretva projects consist of the 35MW Ulog hydropower plant and the HES “Gornja Neretva” hydroelectric system that consists of 7 small hydropower plants with a total installed capacity of 15.01 MW, on the upper Neretva and its tributaries. The plants will stretch continuously from around 8 km from the source to 38 km from the source (30 km) with only one gap of 2 km between Ulog and Uloški Buk power plants.

**A detailed description of the Upper Neretva hydropower projects is provided in [Annex II](#), attached to this complaint.**

### **Updated information and annexes of the complainant- 6<sup>th</sup> April 2021**

1. Judgment of the District Court of Banja Luka from 28/01/2021 in which the screening decision from 13/04/2020 for the Phase I plants was annulled. In the second part of the document you can find our unofficial translation of the judgment.
2. Reply to the request for information from 18/02/2021 in which the NGO Centre for Environment asked if the construction permits for the plants are still valid following the judgment of the court, in which the Ministry replied that the plants are still valid. The second part of the document contains our unofficial translation.
3. Reply of the competent inspection authority that the investor notified the inspection about the start of works. The second part of the document contains our unofficial translation.
4. A new screening decision for the Gornja Neretva Phase I plants issued by the Ministry on 26/2/2021, following the judgment of the court, and obliging the developer to initiate a new environmental impact assessment procedure, and prepare an EIA study. In the end of the document, you will find translation of the first page of the decision.
5. Assessment of Ulog and GN plants on biodiversity prepared by Andrey Ralev from Bankwatch who consulted with prof. Predrag Simonovic from Faculty of Biology, University of Belgrade and prof. Steven Weiss, Institute of Biology, Department of Zoology, University of Graz.<sup>1</sup>
6. You will also find an updated list of species, adding some more species identified in the area such as lynx and chamois.<sup>2</sup>

Colleagues from Centre for Environment contacted the inspection again, as they were concerned that the inspection was not aware of the court judgment and the new screening decision (although they should have been aware of it). They are still waiting for the reply from the inspection to see if they are going to act, but from what is known at the moment, the construction permits are in force, and the construction can proceed from a legal point of view. However, the locals notified that there is a lot of snow in the area at the moment, so that might delay the construction.

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<sup>1</sup> Annex of points 1-5: <https://rm.coe.int/annex2-b-h-neretvahpp/1680a20c9b>

<sup>2</sup> Annex of point 6: <https://rm.coe.int/copy-of-bern-convention-species-and-habitats-of-ulog-and-gornja-neretv/1680a20c9c>